

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (EASTERN)**

Comcast of Massachusetts III, Inc.)	Case No.: 04-12006 RGS
)	
Plaintiff,)	MOTION TO EXTEND TIME FOR
)	SERVICE PURSUANT TO F.R.C.P. 4 (m)
vs.)	
)	
Robert & Gayle Savy)	
)	
Defendant)	

Now comes the Plaintiff in the above-entitled action, and, moves this court for an order extending the time to make service upon the defendant pursuant to Federal Rule Civil Procedure 4 (m) by an additional 60 days. The Plaintiff asserts that there is good cause for the failure to make service or to certify the service has been made to date in that:

1. This complaint was filed on or about September 16, 2004.
2. Summons was issued dated September 16, 2004.
3. Documents for service were sent to a sheriff on or about to September 20, 2004.
4. The sheriff allegedly served both of the defendants at their last and usual place of abode on or about September 29, 2004 (see a copy of Deputy Sheriff's Return of Service for Robert Savy marked **Exhibit A**, attached hereto, and made a part hereof).
5. On or about October 9, 2004 the Plaintiff received a letter from Defendant Gayle Savy via fax disputing the claims of the Complaint and stating that Defendant Robert Savy has not lived at the address listed on the Summons for over three years.

6. On or about January 3, 2005 the Defendant Gayle Savy contacted our office, via email, with a current address for Defendant Robert Savy.
7. After January 3, 2005, the Plaintiff obtained a new summons with the new address executed by the Clerk of the Court.
8. Upon receipt of the new summons, the Plaintiff delivered same to the appropriate Sheriff stressing that service should be made as soon as possible.
9. The Plaintiff needs additional time to properly effectuate service on Defendant Robert Savy.

In further support of this motion the Plaintiff:

10. Offers the affidavit of Attorney John M. McLaughlin; and
11. States that the affidavit contains factual assertions giving rise to good cause to extend the subject time by 60 days.

1/13/05

Date

/s/ John M. McLaughlin

John M. McLaughlin (BBO.: 556328)
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CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 13th day of January, 2005, a copy of the foregoing Motion To Extend Time For Service Pursuant To F.R.C.P. 4 (m) and Affidavit Of John M. McLaughlin In Support Of The Motion To Extend Time For Service Pursuant To F.R.C.P. 4 (m) was mailed first class to:

Robert Savy
12 Lynch Street
Peabody, MA 01960

Gayle Savy
7 Mountain Terrace
Peabody, MA 01960

/s/ John M. McLaughlin
John M. McLaughlin, Esq.